THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 23992 OF 2005

DATED: 09.11.2005

Between:

M.Sambaiah.

... PETITIONER

AND

A.P.Beverages Corporation Limited and another.

... RESPONDENTS

ORDER:

The petitioner is an employee of A.P. Beverages Corporation, the 1st respondent herein. He is posted at Vanasthalipuram Depot, Ranga Reddy District, the 2nd respondent herein, as Computer Operator. The 1st respondent issued proceedings, dated 26.10.2005, placing the petitioner under suspension, pending enquiry into the allegations made against the petitioner and certain others. The same is challenged in this writ petition.

Sri G.Vidya Sagar, the learned counsel for the petitioner submits that even according to the report submitted by the 2nd respondent, a contract employee, by name Suresh Adebala, is responsible for missing of the Demand Drafts and loss of revenue to the tune of Rs.12,38,000/-, and in that view of the matter, there was no justification for the 1st respondent in suspending the petitioner. He further contends that the petitioner was not assigned with any duty, which

involves handling of Demand Drafts etc.

The learned Standing Counsel, who took notice for the respondents at the stage of admission, submits that the allegations made against the petitioner are serious in nature and that it is only after disciplinary proceedings are concluded, the innocence or otherwise of the petitioner can be known. He contends that no exception can be taken to the impugned order.

The petitioner does not dispute the competence of the 1st respondent to place an employee of the Corporation under suspension. The challenge to the impugned proceedings is mostly on merits.

It is true that even according to the impugned proceedings, the 2nd respondent reported that a contract employee, by name Suresh Adebala, has committed fraud. However, the 2nd respondent proceeded to observe that the petitioner herein, the Accountant and another person were also responsible for the whole episode. The acts or omissions on the part of the petitioner in relation to the alleged loss of revenue to the tune of Rs.12,38,000/- can be known only after the enquiry is concluded. It is too early for anyone to jump to any conclusions at this stage. The interests of the petitioner can be protected by directing the respondents to expedite the enquiry.

Hence, the Writ Petition is disposed of, directing the 1st respondent to conclude the disciplinary proceedings initiated against the petitioner, within a period of three months from the date of receipt of a copy of this order. It is also made clear that if for any reason, the enquiry is likely to spill over beyond three months, the 1st respondent shall examine the matter as to whether the continuance of the petitioner under suspension is warranted and pass appropriate orders soon thereafter. There shall be no order as to costs.

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09.11.2005

Jsu